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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,147	06/21/2000	Scott David Smyers	SNY-M2682	7468
28960	7590	09/27/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/598,147	Applicant(s) SMYERS, SCOTT DAVID	
	Examiner Melanie Jagannathan	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11,12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4,6,10,13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8232001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,5,7,8-9,11-12,14-17,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagawa et al. US 6,745,252.

Regarding claims 1, 3, 8, 11, 15-16, the claimed modem connected to a telephone line to receive request directed to device in IEEE 1394 network from remote device is disclosed by user connected to PC (Figure 4, element 23) with modem that provides interface with a telephone line. See column 12, lines 6-8. The claimed interface connected to IEEE 1394 based network is

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disclosed by transmission line (Figure 2, element 1) being serial bus (1394 bus). See column 6, lines 3-13. The claimed processor receive request from modem and transmit request via interface using IEEE 1394 protocol is disclosed by device signal processing means (Figure 2, element 4) and device asynchronous data processing means (element 6) where 1394 bus transmits and receives synchronous and asynchronous data from devices. See column 5, lines 58-67, column 6, lines 3-58, column 7, lines 1-15. Regarding claim 15, the claimed bus reset is disclosed by when a device is connected to 1394 bus, the controller on the bus recognizes a new device by bus resetting. See column 15, lines 8-18.

Regarding claims 2, 9, the claimed memory is disclosed by devices having unit configuration information (Figure 2, element 7).

Regarding claims 5,7,12,14, 17, 19, the claimed if request packet from interface is destined for remote bus and means for determining if request packet is one of a read request, write request and a lock request packet is disclosed by asynchronous data being transmitted from user and the asynchronous data transmitting and receiving means performs transaction processing of asynchronous data according to 1394 protocol, processing read, write and lock transactions. See column 6, lines 41-45.

Allowable Subject Matter

4. Claims 4,6, 10,13,18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 20-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record does not disclose, in single or in combination, the claimed limitation of determining if request packet is asynchronous or isochronous, rejecting the request packet from IEEE 1394 network if request packet comprises an isochronous request packet and transmitting the asynchronous request packet via telephone connection in combination with other limitations of claims.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeda US 6,587,477 discloses data transmitting and receiving apparatus in 1394 network.

Banerjee et al. US 6,754,185 disclose serial data bus structure with multi link layer to single physical layer interface in a node.

Gehman et al. US 6,304,553 disclose processing of 1394 data packets.

Momona US 6,434,117 discloses IEEE 1394 serial bus network capable of multicast communication.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3163.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FRANK DUONG
PRIMARY EXAMINER

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MJ